THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.18376 of 2005

04.10.2005

Between:

Chinta Narsamma, W/o.Narsaiah, Labourer,

Jagtial, Karimnagar District.

… Petitioner

AND

1. The Municipality of Jagtial rep., by its Commissioner

and others

… Respondents

ORDER:

The petitioner impugnes Notice/Order dated NIL issued in November 2004 directing the petitioner to remove the encroachment in Government land within seven days and the petitioner was informed that if she fails to do so, appropriate action will be initiated under Sections 192 and 194 of A.P. Municipalities Act, 1965 (the Act, for short).

It is the case of the petitioner that her husband obtained permission on 09.2.1981 and constructed shops and residential premises, and since then he was paying taxes to the Municipality. When there was a move to interfere with the possession, it appears he filed W.P.No.24489 of 1998 and this Court disposed of the said writ petition on 31.8.1998 directing the respondents not to interfere with the possession except in accordance with law. After the death of her husband, the petitioner is continuing in possession, when the impugned notice was served on her.

Heard the learned Counsel for petitioner, Sri G. Madhusudhan Reddy and learned Standing Counsel for Jagtial Municipality, Sri P. Radha Krishna. A reading of the impugned order/notice would show that seven days time is granted to the petitioner to remove the encroachment allegedly made on the Government land failing which Municipality itself would initiate action under Sections 192 and 194 of the Act. It is needless to point out that Section 194 of the Act itself provides that before taking any action for removal of encroachment, the Commissioner of Municipality has to necessarily serve a notice to the person, who allegedly encroached the Government/Municipal land. Therefore, treating the impugned notice/order as a prior notice, the petitioner is given liberty to submit explanation to the first respondent within a period of one week from the date of receipt of a copy of this order. As and when such representation/ explanation is submitted, the first respondent shall take appropriate decision before further proceeding under Sections 192 and 194 of the Act. This exercise may be completed within a period of two

weeks from the date of submission of the representation/explanation by the petitioner and till then there shall be *status quo*, if the petitioner's property is not already demolished.

The writ petition, with the above observations and directions, is disposed of. No costs.

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October 04, 2005. (**V.V.S.RAO,J**)

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